

CHAPTER XVII

LUNATICS

A LUNATIC or person of unsound mind is of necessity incapacitated from conducting his or her own affairs. A lunatic cannot, for example, make a voluntary conveyance (i.e. gift) of his property. In other cases he can—in an interval of lucidity, convey his property on sale—provided he understands the effect of what he is doing. So, too, during a period of lucidity, he can make a will. If, however, he has been found of unsound mind by inquisition, or has had an Order under sect. 116 of the Lunacy Act, 1890, made against him, the control of his property has been taken away from him and put into the hands of the Master of the Management and Administration Dept. (i.e. the Master in Lunacy) on behalf of the Court. He has, therefore, no power remaining in him even during a lucid period of managing his own affairs.

It is usual where a person is found to be mentally unsound to apply for the appointment of a receiver under sect. 116 of the Lunacy Act, 1890. This is almost invariably the procedure now adopted. The practice of appointing a committee after an inquisition is still open, but has almost fallen into disuse.

The supreme jurisdiction in lunacy is exercised by the Lord Chancellor, the Master of the Rolls and the Lord Justices of the Court of

Appeal. But the
ordinary procedure as to the
administration and
management of a lunatic's estate is
exercised by
the Master (subject to appeal to the
Lord Justices).